

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

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6	KRYSTAL M. EVANESKI,	)	
7		)	No. CV-11-0142-CI
8	Plaintiff,	)	
9		)	ORDER GRANTING STIPULATED
10	v.	)	MOTION FOR REMAND PURSUANT
11		)	TO SENTENCE SIX OF 42 U.S.C.
12	MICHAEL J. ASTRUE,	)	§ 405(g)
13	Commissioner of Social	)	
14	Security,	)	
15		)	
16	Defendant.	)	

BEFORE THE COURT is the parties' stipulated Motion for Sentence Six Remand of the above-captioned matter to the Commissioner for additional administrative proceedings. (ECF No. 13.) The parties have consented to proceed before a magistrate judge. (ECF No. 7.)

Pursuant to sentence six of 42 U.S.C. § 405(g) ("sentence six"), the court may remand the case to the Commissioner for good cause shown before the Commissioner files an answer. *See Melkonyan v. Sullivan*, 501 U.S. 89, 98, 101 n.2 (1991). Here, the Commissioner filed an answer on June 20, 2011; however, the parties stipulate that good cause exists for a sentence six remand in that neither the administrative law judge (ALJ) nor the Appeals Council considered, or included in the record, medical records submitted by Plaintiff in December 2008, April 2010, and June 2010. (ECF No. 13.)

Sentence six further requires the Commissioner to return to the district court to "file with the court any such additional or

1 modified findings of fact and decision, and a transcript of the  
2 additional record and testimony upon which his action in modifying  
3 or affirming was based." *Id.* at 98 (*quoting* sentence six).  
4 Accordingly,

5 **IT IS ORDERED:**

6 1. The parties' stipulated Motion for Sentence Six Remand  
7 (**ECF No. 13**) is **GRANTED**.

8 2. On remand, the ALJ shall (a) update the treatment evidence  
9 regarding Plaintiff's medical conditions, including the evidence  
10 submitted in December 2008, April 2010, and June 2010; (b) expressly  
11 evaluate the treating and examining medical source opinions  
12 submitted in December 2008, April 2010, and June 2010; (c) further  
13 consider Plaintiff's residual functional capacity on the updated  
14 record, citing specific evidence in support of the assessed  
15 limitations; (d) further consider whether Plaintiff has past  
16 relevant work she could perform with the limitations established by  
17 the evidence; and (e) as appropriate, secure supplemental evidence  
18 from a vocational expert to clarify the effect of the assessed  
19 limitations on Plaintiff's occupational base.

20 3. The court shall maintain jurisdiction of this action.

21 4. The District Court Executive is directed to enter this  
22 Order and forward copies to counsel.

23 DATED March 1, 2012.

24  
25 S/ CYNTHIA IMBROGNO  
26 UNITED STATES MAGISTRATE JUDGE  
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